

Changing the Department of Defense's Policy on Homosexuals
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To
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Introduction

Throughout its existence, the United States military has viewed homosexuality as being incompatible with military service. The military identified sodomy as grounds for a dishonorable discharge under the Articles of War adopted in 1776, though it did not identify homosexuality as a "status" until 1942. During the Carter Administration, the "no exception" policy was adopted, officially banning homosexuals from military service. In 1992, Bill Clinton promised to change the policy and allow citizens to serve in the military, regardless of sexual orientation. His bill was designed to be a compromise; while the policy did not explicitly ban homosexuals, it did not allow anyone who is openly gay to serve in the military. This policy has resulted in thousands being discharged and countless others being denied the opportunity to serve. The Department of Defense's current homosexual policy must be changed because it is out-of-step with the views of American citizens, U.S. laws, and changing military attitudes, and practices of U.S allies.

Current Department of Defense Policy

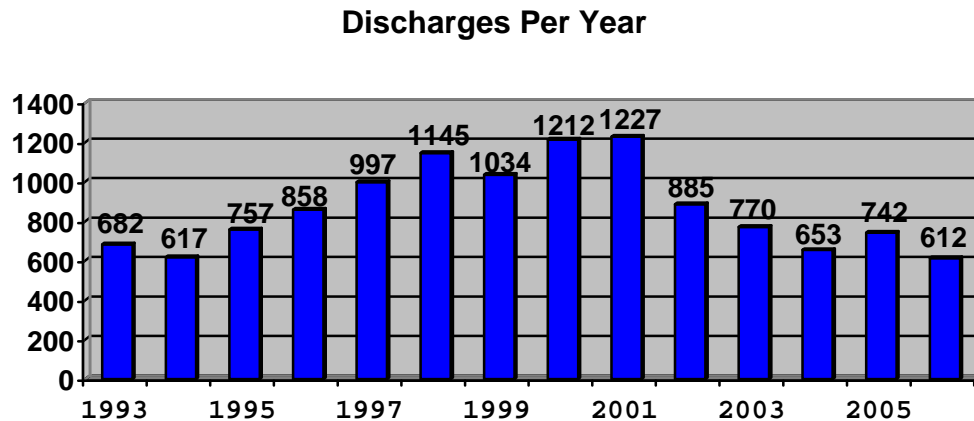
The current Department of Defense (DoD) policy on homosexuals in the military was adopted in 1993. Title 10, Subtitle A, Part II, Chapter 37, Section 654 was updated to address this issue. According to the policy, a military member may be discharged from the military for any the following:¹

1. "member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act. . ."
2. "member has stated that he or she is a homosexual or bisexual, or words to that effect. . ."
3. "member has married or attempted to marry a person known to be of the same biological sex."

The military draws a clear distinction between being a homosexual and homosexual behavior. One can be gay and serve in the military. However, he/she cannot be in a homosexual relationship, say he/she is gay, or have sex with a member of the same sex. In effect, gay individuals can serve in the military, as long as they are doing so covertly. For this reason, the policy on homosexuals is known as "Don't Ask, Don't Tell" (DADT).

It is difficult to tell exactly how many homosexuals currently serve in the military. Conducting a survey of homosexuals on active duty is a "catch-22": When a service member admits he is gay on the survey, he faces being discharged from the military. Dr. Gary J. Gates, a research fellow at the Williams Institute at the UCLA School of Law, is recognized as "the nation's leading expert on the demography and geography of the gay population."² He estimates the number of homosexuals in the military to be at least 30,446 and as high as 87,202.³ The estimate that is widely used is 65,000.⁴ which equates to between 1.32 and 3.78 percent of the active duty military.

Since the inception of DADT, 12,191 military members have been discharged.⁵ A breakdown of those discharged since 1993 can be seen in the chart below:⁵



Discharges generally increased from 1993 (adoption of DADT) through 2001. Since then, the number of discharges has decreased. Many believe the decrease is a result of the increase in operational tempo in Iraq and Afghanistan: Manpower shortages have led to selective enforcement of the policy.

Americans Views on Homosexuals

When dealing with controversial topics in the military, the nation that it protects must be taken into account. The U.S. military is comprised of citizens from the general population and is charged with protecting the freedoms, values, and social norms shared by American society. Consequently, one would expect the composition of the military to be representative of the nation's citizens, and their values. If not, the military will see itself as superior to the citizens and begin to distance

itself from society's values. Over time, the military may fail to protect the values of the citizens. Therefore, citizens' attitudes should have some bearing on military policies, including those dealing with homosexuality.

Numbers of Homosexuals in the United States

The exact number of homosexuals living in the U.S is unknown, as the last census taken in 2002 did not track sexual preference.⁸ However, the census did track numbers of same-sex households within the US. Based on these numbers, 58,354,669 "couples" lived in the United States of which 657,048 were same-sex unions.⁸ In other words, 1.13 percent of couples in the United States consider themselves homosexual. Most experts agree that 1.5 to 2 percent, or about 4.5 million Americans, are homosexual.⁸ This estimate is consistent with the earlier estimate that 1.32 to 3.78 percent of active duty military personnel is homosexual and, indeed, representative of society as a whole.

American Citizens' Views

Americans as a whole are becoming more accepting of homosexuals and recognize their rights to equality. A recent CNN/USA Today Gallop poll asked 1,029 Americans about their views on homosexuality and gay rights. This poll asked questions such as views on same sex marriage, civil unions, and homosexual couples' rights to adopt children. The most pertinent question

asked U.S. citizens about their stance on gays serving in the military. An astounding 79 percent of those who responded said openly gay people should be allowed to serve in the military. Only eighteen percent said they should not.¹²

United States Laws on Homosexuality

No federal law currently prohibits work place discrimination based on sexual orientation. Furthermore, the U.S. Equal Employment Opportunity Commission (EEOC) "does not enforce the protections that prohibit discrimination and harassment based on sexual orientation, status as a parent, marital status and political affiliation."⁹ However, 19 states and the District of Columbia, as well as over 180 cities ban discrimination based on sexual identification.¹⁰

In addition to state and city laws/ordinances, President Bill Clinton signed an executive order on 28 May 1998 that outlaws discrimination based on sexual orientation within the federal government. The first sentence of Section 1, Executive Order 11478 reads: "It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, age, or sexual orientation. . . ."¹¹ However, the military is the only federal employer that discriminates based on sexual orientation.

The Military's Attitudes Towards Homosexuals

The government's argument for banning homosexuals from military service revolves around the impact on morale and unit cohesion:¹

The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

In October 2006, Zogby International, a leading public opinion pollster, surveyed 545 troops who recently returned from Iraq and Afghanistan about their attitudes towards homosexuals in the military. The Zogby survey revealed the basis for the argument against allowing openly homosexual service members:¹³

- 23% (or 125 individuals) say they know for sure that someone in their unit is a homosexual
- 27% (or 38 individuals) of those who know a homosexual peer, said it has a negative impact on the morale of their unit
- 58% (or 316 individuals) of those who did not know of a homosexual in their unit believed that there would be a negative effect on morale

While it is difficult to measure the effect that openly gay soldiers have on unit morale, even a slight effect is cause for concern. Senior leaders and policy makers believe that the way to eliminate the threat that homosexuals pose to unit cohesion is to bar them from service.

To understand why homosexuals would have a negative effect on unit morale, one must analyze military culture. The vision of a "soldier" is very masculine. The military as an organization has bought into this idea that a soldier must be strong, courageous, and "manly." However, gay men are stereotyped as being flamboyant and feminine.¹⁴ In military society, a gay man does not possess the characteristics of a soldier, therefore he cannot be a "soldier."

In 1999, the DoD Inspector General (IG) conducted a survey of 71,570 personnel across the services on the "Military Environment with Respect to the Homosexual Policy."¹⁵ Among other things, this report examined the extent to which disparaging remarks towards homosexuals were made, and if they were tolerated. The report also examined if harassment of perceived homosexuals was tolerated. Eighty percent stated that they heard offensive jokes, names, or remarks about homosexuals, and 85 percent stated that they believe such remarks are tolerated.¹⁵ Ten percent believed that harassment of someone who was perceived as gay is tolerated. The underlying result of the report: the military environment is not accepting of homosexuals.

In contrast to the IG findings, the Zogby reports indicate a different trend in the military: Individual acceptance of homosexuality is growing:¹³

- 73% say they are personally comfortable in the presence of homosexuals
- 20% said they are uncomfortable in the presence of homosexuals

The conflicting results could mean one of two things. First, although the military as a whole is not as accepting of homosexuals in its ranks, individuals within the military are becoming more comfortable with homosexuals. One theory is that this is a result of a generation gap within the military. The older generation was raised in a culture that does not accept homosexuals, while the younger generation is more accepting of the idea.

Second, during the seven-year gap between the surveys, the military became more accepting of homosexuals. This is most likely since society as a whole is more accepting of homosexuals: The media and entertainment industry are showing more gays. Military personnel also know more gay people outside of the military due to more people "coming out". Even senior military officials have changed their minds:

I now believe that if gay men and lesbians served openly in the United States military, they would not undermine the efficacy of the armed forces. - General John M. Shalikashvili, USA (ret), former Chairman of the Joint Chiefs of Staff¹⁶

The ban is discriminatory, and we're hearing from within the military what we're hearing from within society, that we're becoming a much more open, tolerant society for diverse opinions and orientation. - Former Defense Secretary William Cohen¹⁷

Although the military as a whole does not foster an environment of acceptance, individuals within the military are beginning to accept homosexuals.

U.S Allies Practices

In the military, the focus should always be mission accomplishment. While morale and unit cohesion are important factors, other militaries have shown that they can operate with openly gay personnel within its ranks. Twenty-four other countries, including the US's closest allies Great Britain, Australia, and Canada, allow openly gay members to serve.¹⁸ The United States, Turkey and Portugal are the only NATO countries that forbid openly gay members in their armed services.¹⁸ Of the countries who allow gay members, none have reported morale or recruitment problems.¹⁶ Nine nations with openly gay service members have fought alongside US troops in Operation Iraqi Freedom, while 12 have fought with the US in Operation Enduring Freedom.¹⁶ US soldiers fight side by side with openly gay foreign service members and still accomplish the mission.

Even closer to home, the federal government demonstrates successful examples of homosexuals working side by side with troops. While the military discriminates against openly gay members, the federal government as a whole does not. In accordance with Executive Order 11478 (mentioned earlier), the Central Intelligence Agency, Federal Bureau of Investigation,

Defense Intelligence Agency and Secret Service allow openly gay personnel, some of whom have been fighting the Global War on Terrorism alongside service members.¹⁷ This order also applies to the DoD which employs approximately 675,000 DoD civilians.¹⁹ Service members work with homosexuals on a daily basis.

Conclusion

The DoD must adopt a policy that allows openly homosexual personnel to serve in the armed forces. Admittedly, the transition will not be easy. While morale may initially be effected, the only way that homosexuals will be able to serve in the military is by changing a culture that has existed for over 200 years. The change will not happen overnight. Despite this fact, the DoD must integrate homosexuals and enforce policies against discrimination and harassment. Americans have changed their views and are beginning to accept homosexuals into the mainstream. Even individuals within the military itself are beginning to change their attitudes. Allied nations and other government agencies have proven that integration can work. The DoD must end the policy of DADT and allow the military to recruit and retain America's best and brightest, regardless of their sexual orientation.

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